

I. Conditions

This Section 401 Water Quality Certification pertains to the Preferred Alternative, and is issued subject to the following modifications and/or conditions:

- A. The work shall take place during low flow conditions in order to minimize adverse impacts to water quality away from the project site.
- B. Fill used in this project shall consist of suitable material free from toxic contaminants in other than trace quantities.
- C. Steps shall be taken during construction to minimize bank erosion.
- D. Steps shall be taken upon completion of this project, to ensure bank stability. This may include but is not limited to, the placement of riprap or bank seeding.
- E. Equipment shall be installed at the facility to eliminate the possibility of spills and control dust that may enter the waterway by runoff or point discharge.
- F. Any damages to the immediate environment of the project by equipment needed for construction or hauling will be repaired immediately.
- G. Within 60 days of the issuance date of this certification/permit, American Energy Corporation's submittal of an acceptable, notarized, recorded, and filed conservation easement with an acceptable 501(c)(3) organization. One 30-day extension will be allowed, if requested in writing prior to the deadline. The conservation easement shall protect, in perpetuity,
  - Piney Creek South - 1970 feet,
  - Piney Creek North - 2513 feet,
  - Unnamed Stream C- 1690 feet,
  - Unnamed Stream D- 1710 feet,
  - Unnamed Stream E- 610 feet,
  - Long Run - 2678 feet,
  - Wetland A- 2.66 acres

No fill may be placed in the streams or wetlands until the terms of this condition are met.